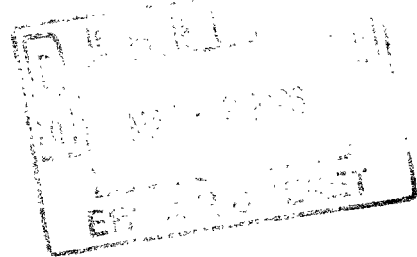


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Disclosure of Changes Made to the Draft
of the 40 CFR Part 71 Final Rule Subsequent to Submittal to OIRA

submitted by

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Material Changes Made to Draft Final Rule, 40 CFR Part 71
Subsequent to the Submittal to OMB

One of the changes made during the OIRA review period relates to the definition of major source and when fugitive emissions must be counted in determining whether a source that is regulated by a standard under section 111 or 112 of the Act is a major source. The EPA changed one paragraph of the regulatory definition (and added corresponding language in the preamble) to narrow the definition to be consistent with the way the term is used in PSD/NSR applicability determinations.

Second, EPA eliminated several sentences in the preamble discussion of insignificant activities in order to make the discussion consistent with previously issued guidance (a document referred to as "white paper 2"). The changes will lessen the amount of information related to insignificant activities that must be contained in permits.

Third, the preamble was changed to reflect changes to the Information Collection Request and Regulatory Impact Assessment. The assumptions on which those economic analyses were based were revised, and the resulting lower cost projections for the part 71 program were incorporated in the final preamble language. Because of those revisions, the rule was not considered an unfunded mandate for industry in excess of \$100 million. Consequently EPA revised the preamble section which addresses the Unfunded Mandates Reform Act of 1995.

Fourth, EPA revised the penalty provisions for sources that base their initial fee payments on estimates of future emissions and that underestimate those emissions, resulting in an underpayment of fees. EPA retained the underpayment penalty cutoff provisions, i.e., provisions that impose penalties when HAP emissions are underestimated by more than 50 percent and criteria pollutant emissions are underestimated by more than 20 percent. EPA clarified that the penalty charge (50 percent) will apply to the portion of the underpayment that is in excess of the underpayment penalty cutoff.

Fifth, EPA clarified that to be found complete, an initial or renewal application must be accompanied by permit fees.

All of the above changes were initiated by EPA, and none were made at the suggestion of OIRA.